

REMARKS

Claims 1-3 are pending in the application.

Claims 4-19 are withdrawn from consideration, and have been canceled, without prejudice.

Claims 1-3 have been rejected.

New Claims 20-36 have been added.

I. REJECTION UNDER 35 U.S.C. § 102

Claims 1-3 were rejected under 35 U.S.C. § 102(a) as being anticipated by Abdollahi, et al. (“Leakage Current Reduction In Sequential Circuits By Modifying The Scan Chains”, Proceedings of the Fourth International Symposium on Quality Electronic Design, 24-28 March 2003). The rejection is respectfully traversed.

Applicant submits herewith a Declaration of Prior Invention Under 37 CFR 1.131 (“Rule 131 Declaration”) evidencing prior invention to the Abdollahi reference. As indicated in the attached Rule 131 Declaration, the inventor respectfully submits that the date of conception of the invention was at least as early as March 23, 2003.

Applicant also submits herewith a Declaration of Mario J. Donato (Donato Declaration) evidencing due diligence during the relevant period (from March 23, 2003 to the filing date of the present application) resulting in constructive reduction to practice at time of filing..

Therefore, the subject matter was invented prior to the effective date of the Abdollahi reference and there was due diligence resulting in constructive reduction to practice by the filing of

the present application. As a result, Abdollahi does not qualify as prior art to reject the claims of the present application.

Accordingly, the Applicant respectfully requests the Examiner withdraw the § 102(a) rejection of Claims 1-3.

II. NEW CLAIMS 20-36

New Claims 20-36 have been added. No new matter has been added. Applicant respectfully submits that these claims are patent able over the cited art of record.

III. CONCLUSION

As a result of the foregoing, the Applicant asserts that the remaining Claims in the Application are in condition for allowance, and respectfully requests an early allowance of such Claims.

If any issues arise, or if the Examiner has any suggestions for expediting allowance of this Application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at wmunck@munckbutrus.com.

The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Muck Beatrice Deposit Account No. 50-0208.

Respectfully submitted,

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